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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176791
Party	Defendant MATTEL, INC.
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Date	02/11/2010
Attachments	Objections to Handal Decl.pdf (6 pages)(31603 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/751,105
Published for Opposition in the OFFICIAL GAZETTE on December 12, 2006

UMG RECORDINGS, INC.

Opposition No.: 91176791

Opposer

v.

MATTEL, INC.

Applicant

**APPLICANT MATTEL, INC.'S EVIDENTIARY OBJECTIONS TO AND REQUESTS
TO STRIKE PORTIONS OF DECLARATION OF ANTON HANDAL**

Applicant Mattel, Inc. hereby objects to and moves to strike portions of the Declaration of Anton Handal dated March 13, 2009.

The following format is used below:

- (1) the Declaration is copied verbatim;
- (2) where Applicant objects to all or a portion of a paragraph, the objected-to portion is shown as stricken (e.g., ~~The person told me that~~ ...) followed by a highlighted “objection number” (e.g., [Obj. 2]); and

DECLARATION OF ANTON HANDAL DATED MARCH 13, 2009

WITH OBJECTIONABLE PORTIONS STRICKEN

DECLARATION OF ANTON HANDAL

ANTON HANDAL declares under penalty of perjury as follows:

1. I am the Chief Executive Officer of The Singing Machine Company, Inc., a Florida corporation with offices at 6601 Lyons Road, Bldg. A-7, Coconut Creek, FL 33073 (“The Singing Machine”). I first joined The Singing Machine in 2008. I submit this declaration as testimony in connection with the above-captioned proceeding.

2. I have access to the books and records of The Singing Machine relevant to the matters covered herein. As a result of my job responsibilities I am generally familiar with the business of The Singing Machine and The Singing Machine’s license to use the MOTOWN and MOTOWN-formative trademarks (the “MOTOWN Marks”) in connection with a Karaoke Machine and Karaoke CDGs (collectively, the “Karaoke Products”). I confirm that the facts and matters set out herein are based on my own knowledge and from the records and documents of The Singing Machine to which I have access.

3. ~~On or around February 7, 2003, The Singing Machine entered into a license agreement with Universal Music Enterprises, a division of UMG Recordings, Inc. (“UMG”) concerning the right to use the MOTOWN Marks in connection with the Karaoke Products. A true and correct copy of the license agreement is attached hereto as Exhibit 1, and the November 30, 2004 amendment thereto is attached hereto as Exhibit 2.~~ **[Obj. 1]**

OBJECTION NO.	REFERENCE	GROUND	BOARD’S RULING
1	¶ 3	(a) Improper Legal Opinion (Fed. R. Evid. 701); (b) Exhibit speaks for itself (Fed. R. Evid. 1002).	<input type="checkbox"/> Sustained/Stricken <input type="checkbox"/> Overruled

4. ~~True and correct copies of photographs depicting the Karaoke Products are attached hereto as Exhibit 3.~~ [Obj. 2]

OBJECTION NO.	REFERENCE	GROUND	BOARD'S RULING
2	¶ 4	(a) Exhibit speaks for itself (Fed. R. Evid. 1002).	<input type="checkbox"/> Sustained/Stricken <input type="checkbox"/> Overruled

5. The Singing Machine began selling the Karaoke Products nationwide in 2003 and has sold the Karaoke Products in stores such as WalMart, Target, Sears, and K-Mart continuously since that time to children and adult consumers. The retail price for a Karaoke CDG is approximately \$15.95.

Declared under penalty of perjury of the Laws of the United States of America executed this 13th day of March, 2009 at San Diego, California.

/S/
Anton Handal

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Evidentiary Objections and Request to Strike has been personally served on counsel for Opposer UMG Recordings, Inc., both personally and through ESTTA, on February 11, 2010.

/crf/

Chad R. Fitzgerald